



APR 14

JPW

PATENT APPLICATION
Mo-6843
LeA 33,555

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
JORG HOFMANN ET AL) GROUP NO.: 1711
SERIAL NUMBER: 10/018,332) EXAMINER: J. M. COONEY
FILED: DECEMBER 13, 2001)
TITLE: HIGH-RESILIENT POLYURETHANE)
FOAMS PRODUCED FROM)
POLYETHER POLYOLS)

REPLY BRIEF

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner's Answer dated May 14, 2004 has been received and its contents noted. The following is in response thereto.

Remarks begin on page 2 of this paper.

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in an
envelope addressed to: Commissioner for Patents,
Alexandria, VA 22313-1450

07/14/04

Date

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Name of applicant, assignee or Registered Representative

Signature

July 14, 2004

Date

REMARKS

The Examiner has maintained that the language "having a terminal propylene oxide block" does not distinguish the presently claimed invention over the prior art.

Appellants would, however, direct the Board's attention to the fact that in order to obtain the terminal propylene oxide block required in Appellants' invention, propoxylation of the polyether polyol must be the last step of the production process. That is, if the polyether polyol being produced has internal ethylene oxide/propylene oxide blocks, it is necessary that subsequent to alkoxylation with the mixed alkylene oxides, alkoxylation in the presence of propylene oxide alone is required to obtain the terminal propylene oxide block required in Appellants' invention. (See page 6, lines 3-4 of the specification.)


In short, there is nothing "random" about the terminal propylene oxide block required in Appellants' claimed invention. The references which have been cited for teaching polyether polyols having "random" terminal propylene oxide blocks do not therefore disclose Appellants' claimed invention in the manner necessary to support a proper rejection under 35 U.S.C. §102.

Support for Appellants' position may be found, for example, in In re Meyer 202 USPQ 175 (CCPA 1979) in which it was held that disclosure of the genus "alkaline chlorine or bromine" does not anticipate the species "alkali metal hypochlorite" and in Ex parte Westphal 223 USPQ 630 (Bd. App. 1983) in which it was held that a reference disclosing "C₁-C₈ alkyl atoms" did not anticipate an invention requiring a "t-butyl" group.

The Thompson et al, Beisner et al, Hager and Kinkelaar et al references' teachings with respect to "random" propylene oxide blocks do not therefore anticipate Appellants' invention which requires "a terminal propylene oxide block".

For this reason and those discussed in their Brief, Appellants continue to maintain that each of the Examiner's rejections is in error and respectfully request that each of these rejections be reversed and that Claims 11 and 13-15 be allowed.

Respectfully submitted,

By 
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